

February 19, 2003

COMMISSION VOTING RECORD

DECISION ITEM: SECY-03-0009

TITLE: DENIAL OF PETITION FOR RULEMAKING (PRM-63-1) - THE STATE OF NEVADA

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of February 19, 2003.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

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Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR

SECY NOTE: THIS VOTING RECORD WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS AFTER DISPATCH OF THE LETTER TO THE PETITIONER.

VOTING SUMMARY - SECY-03-0009

RECORDED VOTES

|                  | APRVD | DISAPRVD | ABSTAIN | PARTICIP | NOT<br>COMMENTS | DATE    |
|------------------|-------|----------|---------|----------|-----------------|---------|
| CHRM. MESERVE    | X     |          |         |          | X               | 2/3/03  |
| COMR. DICUS      | X     |          |         |          | X               | 2/10/03 |
| COMR. DIAZ       | X     |          |         |          | X               | 2/7/03  |
| COMR. McGAFFIGAN | X     |          |         |          | X               | 2/3/03  |
| COMR. MERRIFIELD | X     |          |         |          | X               | 2/5/03  |

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on February 19, 2003.

## **Commissioner Comments on SECY-03-0009**

### Commissioner Dicus

I complement staff on the thorough analysis of Nevada's petition and the bases for supporting the denial of the petition for rulemaking. I agree that reopening the Part 63 rulemaking would not be a prudent use of resources, particularly since no significant new issues or information was presented by the petitioner that had not already been considered during the recent rulemaking for Part 63. I approve denying the petition for rulemaking.